



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

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**Case No. CCPD/13980/1040/2023**

### In the matter of

Shri Ajay Kumar Singh

**... Complainant**

### Versus

The Chairman and Managing Director,  
Punjab National Bank

**... Respondent No. 1**

The Chairman,  
Institute of Banking Personnel Selection

**... Respondent No. 2**

### 1. Gist of the Complaint

1.1 The Complainant, Shri Ajay Kumar Singh, a person with 60% locomotor disability due to Ankylosing Spondylitis, filed a complaint dated 21.03.2023 alleging inhuman and degrading treatment meted out to him during a promotional examination conducted on 15.01.2023 by the Institute of Banking Personnel Selection (IBPS) for Punjab National Bank (PNB).

1.2 The examination was held at Digital Zone iDZ, Ranchi, on the first floor of a building without a lift. The Complainant stated that despite informing the Senior Manager (HRD), PNB, present at the centre, that he was unable to climb stairs and that the examination was his last promotional opportunity, no reasonable accommodation was provided. Instead, he was physically carried on the shoulders of two people, causing him severe physical pain, muscle strain, and mental anguish. He was compelled to take medical leave on the following day.

1.3 The Complainant alleged that the incident reflected a complete failure to provide reasonable accommodation and violated his rights under the Rights of Persons with Disabilities Act, 2016.

## 2. Reply of Respondent No. 1

2.1 Respondent No. 1, Punjab National Bank, through its affidavit dated 10.07.2023, submitted that the promotional examination was conducted through IBPS and that, vide email dated 13.12.2022, IBPS had been requested to ensure that test centres were conveniently accessible for candidates with disabilities.

2.2 It was stated that the examination centre was located on the first floor and had no lift. Bank representatives present at the centre assisted the Complainant in reaching the first floor with the help of other persons. The Bank acknowledged the incident and stated that the matter had been taken up again with IBPS to prevent recurrence.

## 3. Rejoinder of the Complainant

3.1 In rejoinder dated 17.07.2023, the Complainant reiterated that the Respondent had effectively admitted that the centre was inaccessible and that he was physically carried upstairs. He stated that this resulted in severe physical pain, humiliation, and mental distress, adversely affecting his performance in the examination and ultimately leading to non-selection.

3.2 He submitted that the incident was a clear violation of the statutory duty to provide reasonable accommodation and sought accountability to prevent similar treatment of persons with disabilities in future examinations.

## 4. Hearing (I)

4.1 A hearing was conducted on 20.09.2024 online through video conferencing. The following parties were present:

S. No.	Name of the Party	Mode of Attendance	Appearing for
1	Shri Ajay Kumar Singh	Online	Complainant
2	Advocate Rishabh Sharma	Online	Complainant
3	Advocate Mayank Bhargava	Online	Complainant
4	Mr. Mukesh Kumar Sinha, DGM General Manager (HRD) Punjab National Bank	Online	Respondent No. 1

## 5. Record of Proceedings (I)

5.1 During the hearing, the Court specifically sought confirmation from Respondent No. 1 as to whether the Complainant had been physically carried to the first floor. The Respondent admitted the factual position.

5.2 The Court observed that such treatment prima facie amounted to inhuman and degrading conduct towards a person with disability and directed

Respondent No. 1 to file an Action Taken Report (ATR). The Court also directed that IBPS be impleaded and submit a report on measures adopted to ensure accessibility of examination centres.

## 6. Hearing (II)

6.1 A second hearing was conducted on 17.06.2025. The following parties and their representatives were present:

S. No.	Name of the Party	Mode of Appearance	Representing
1	Adv. Rishabh Sharma	Online	Counsel for Complainant
2	Amrendra Kumar	Online	Respondent No. 1
3	Mr. Kundan Sharma	Online	Respondent No. 1
4	Mr. Annim Utayalam	Online	Respondent No. 2

## 7. Record of Proceedings (II)

7.1 Counsel for the Complainant submitted that Respondent No. 1 had failed to file the ATR as directed. Respondent No. 1 stated that IBPS had been contacted and that steps were being taken to ensure accessibility, including identifying centres likely to be used by PwD candidates, provision of ramps/lifts where feasible, and inspection of centres prior to examinations.

7.2 Respondent No. 2 (IBPS) submitted that PwD-friendly centres are selected when advance information regarding PwD candidates is received. It was stated that on the date in question, the service provider was unable to make alternative arrangements, and the Complainant was carried upstairs with his consent. The incident was described as rare, and corrective steps were stated to have been taken.

7.3 Counsel for the Complainant pointed out that the Respondents were shifting responsibility onto each other and referred to an allegedly derogatory remark made by a senior official of Respondent No. 1: *"Should we now put up a lift for you?"* The Respondent denied that such a statement was made.

7.4 The Court noted that no ATR dated 07.05.2025 had been received, contrary to the statement of Respondent No. 1.

## 8. Observations and Recommendations

8.1 The submission of Respondent No. 2 that PwD-friendly centres are arranged only upon being informed of a PwD candidate reflects a fundamental misunderstanding of the law. Accessibility is an ex-ante obligation, whereas reasonable accommodation is individualised. Examination centres must be accessible by design, not merely by exception.

8.2 The Supreme Court, in *Rajive Raturi v. Union of India*, 2024 INSC 858,

has authoritatively explained the distinction between accessibility and reasonable accommodation in the following words:

*“37. At this stage, it is also crucial to understand the relationship between reasonable accommodation and accessibility, as both are essential for achieving equality for PWDs. While accessibility generally refers to the removal of barriers in the environment or infrastructure to ensure equal access for all, reasonable accommodation is more individualised.<sup>39</sup> It involves making specific adjustments to meet the unique needs of a person with a disability. In other words, accessibility ensures that environments are designed to be inclusive from the outset, while reasonable accommodation ensures that individuals who face specific challenges can enjoy their rights on an equal basis in particular contexts.*

*38. As highlighted by the Committee on the Rights of Persons with Disabilities in General Comment 6, reasonable accommodation is integral to the principle of inclusive equality, acting as a facilitator for substantive equality.<sup>40</sup> The General Comment articulated the relationship between reasonable accommodation and accessibility as follows:*

*“22. Accessibility is related to groups, whereas reasonable accommodation is related to individuals. This means that the duty to provide accessibility is an ex ante duty. States parties, therefore, have the duty to provide accessibility before receiving an individual request to enter or use a place or service. States parties need to set accessibility standards, which must be negotiated with organisations of persons with disabilities, and they need to be specified for service-providers, builders and other relevant stakeholders. Accessibility standards must be broad and standardised. In the case of individuals who have rare impairments that were not taken into account when the accessibility standards were developed or do not use the modes, methods or means offered to achieve accessibility (not reading Braille print, for example), even the application of disability standards may not be sufficient to ensure their access. In such cases, reasonable accommodation may apply.*

*23. The duty to provide reasonable accommodation is an ex nunc duty, which means that it is enforceable from the moment an individual with an impairment needs it in a given situation (workplace, school, etc.) in order to enjoy her or his rights on an equal basis in a particular context. Here, accessibility standards can be an indicator, but may not be taken as prescriptive. Reasonable accommodation can be used as a means of ensuring accessibility for an individual*

*with a disability in a particular situation. Reasonable accommodation seeks to achieve individual justice in the sense that non-discrimination or equality is assured, taking the dignity, autonomy and choices of the individual into account. Thus, a person with a rare impairment might ask for accommodation that falls outside the scope of any accessibility standard. The decision to provide it or not depends on whether it is reasonable and whether it imposes a disproportionate or undue burden."*

*39. It is crucial to reiterate that accessibility is an ex-ante duty, meaning that the State is required to implement accessibility measures proactively, before an individual even requests to enter or use a place or service. This proactive responsibility ensures that accessibility is embedded in the infrastructure and services from the outset."*

8.3 In the present case, lack of coordination between Respondent Nos. 1 and 2 resulted in the Complainant being subjected to avoidable indignity. The so-called "consent" of the Complainant to being physically carried cannot legitimise the act, as he was effectively left with a coercive choice between humiliation and forfeiting a crucial examination.

8.4 Respondent No. 2 is duty-bound to empanel only such centres as are fully accessible to persons with disabilities. Accessibility cannot be contingent upon advance disclosure of disability. Similarly, the measures proposed by Respondent No. 1—such as inspecting centres a day prior—are inadequate, as they do not allow time for structural correction.

8.5 The Court further observes that remarks trivialising accessibility on the ground that it benefits "only a few" are wholly inconsistent with the constitutional commitment to equality, dignity, and inclusion. The fact that multiple complaints by the same Complainant have arisen against Respondent No. 1 is a matter of serious concern and points to a systemic attitudinal issue.

8.6 The fact that the centre of examination was not accessible for the Complainant and other persons with locomotor disability is duly established during this proceeding, and so is the allegation of manual lifting of the Complainant to the upper floor where he was supposed to write his examination. It is a settled law that where there is a wrong, there has to be a remedy.

8.6 Accordingly, in exercise of powers under Section 75 (1) (c) and (d) of the RPwD Act, Respondent Nos. 1 and 2 are directed to file a joint Action Taken Report within 15 days, specifically detailing:

- (i) A mitigation proposal, including payment of appropriate and reasonable compensation to the Complainant. To arrive at an appropriate and reasonable compensation, the Respondent may consider determining the arrears of pay on the basis of presumptive pay on his qualifying the

examination. Considering that the Complainant has already retired, and has no occasion to officiate in the higher position, the placement in higher scale on a presumptive basis and paying compensation will, in the opinion of this Court, meet the end of justice as a remedy for the Complainant and a deterrent for the Respondents.

(ii) Steps taken to ensure that all examination centres are end-to-end accessible for persons with disabilities;

(iii) Institutional safeguards to prevent recurrence of incidents such as the present one; and

(iv) Measures taken to fix accountability for any insensitive or derogatory conduct by officials.

9. With the above directions, the case is disposed of.

**(S. Govindaraj)**  
**Commissioner for Persons with Disabilities**